

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Establishment of Audio Visual Warning System)	
as New Subpart T to Part 87 of the)	RM No. 11596
Commission's Rules and Regulations to)	
Authorize Advanced Audio Visual Warning)	
Systems for Antenna Structures and Other Air)	
Navigation Obstacles)	

**OPPOSITION OF
THE BOEING COMPANY**

The Boeing Company ("Boeing"), by its attorneys and pursuant to Section 1.405 of the Commission's Rules, 47 C.F.R. § 1.405, hereby submits the following opposition in response to the Public Notice in the above referenced proceeding.¹ The OCAS, Inc. ("OCAS") petition for rulemaking proposes use of the 118-136 MHz VHF band for an Audio Visual Warning System ("AVWS").² Such a proposal raises important concerns for Boeing. Boeing is concerned about the use of VHF frequencies, including those specifically assigned to flight test stations and aircraft manufacturers, for AVWS. Boeing does not support the initiation of a rulemaking proceeding at this time.

Boeing is responding to the OCAS Petition as a global leader in the design and manufacture of commercial and military aircraft. Boeing's flight test operations are conducted to develop and refine design concepts, to demonstrate compliance with internal design criteria and government regulatory requirements, to evaluate product improvements, to demonstrate operational effectiveness and to ensure compliance with

¹ See Public Notice, Rep. No. 2905 (Mar. 18, 2010) ("Public Notice").

² See OCAS, Inc. Petition for Rulemaking, RM-11596 (Mar. 4, 2010).

the certification requirements of the Federal Aviation Administration (“FAA”), international and foreign aeronautical regulatory agencies and U.S. government customers. VHF radio communications are used to communicate with pilots during test flights and are used on a daily basis by Boeing’s aircraft customers.

Boeing shares the goal of maximizing aircraft safety and has been at the forefront in the use of collision avoidance technologies in its aircraft, including the Traffic Collision Avoidance System (“TCAS”) and Automatic Dependent Surveillance-Broadcast (“ADS-B”) system used to monitor the airspace around aircraft and to warn pilots of any threat of a mid-air collision. Boeing has concerns, however, with any use of VHF frequencies that could interfere with current communications. The FAA’s Director of Spectrum Engineering Services found that,

we are unable to justify the use of VHF ATC frequencies to support AVWS systems without compromising the existing ATC safety system. The use of such frequencies poses an unacceptable risk to flight safety due to the potential for radio frequency interference to controller-pilot communications on non-participating aircraft in the vicinity of AVWS operations.³

Boeing has similar concerns regarding the proposed use of VHF frequencies, particularly those identified in Section 87.303 of the Commission’s rules for flight test stations and aircraft manufacturers.⁴ Given the important public safety considerations involved in flight test operations, the VHF flight test spectrum should not be used for any other purpose.

³ Memorandum from Oscar Alvarez, Director, Spectrum Engineering Services to Mark R. Schilling, Acting Manager, Rotorcraft Directorate (Oct. 16, 2009) (included as Exhibit 6 to the OCAS Petition).

⁴ See 47 C.F.R. § 87.303.

Boeing looks forward to holding discussions with OCAS regarding whether its proposed Part 87 rules for AVWS can be implemented in a manner that does not impact current flight test or other aeronautical communications. Boeing may also provide further comments to the FCC on OCAS' proposal either in the form of an *ex parte* presentation or in substantive comments on a notice of proposed rulemaking should one be issued. Boeing does not, however, support the initiation of a rulemaking proceeding at this time given the significant spectrum sharing concerns that must first be resolved involving critical safety-related flight test and other aeronautical operations in the VHF spectrum band.

Respectfully submitted,

THE BOEING COMPANY

By:

A handwritten signature in black ink, appearing to be "B. Olcott", written over a horizontal line.

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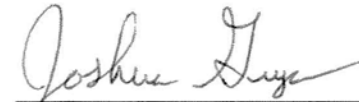
Its Attorneys

April 19, 2010

Certificate of Service

I, Joshua T. Guyan, hereby certify that on this 19th day of April, 2010, I caused a copy of the Opposition of The Boeing Company to the OCAS, Inc. Petition for Rulemaking to be served via U.S. first class mail on the party listed below.

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Joshua T. Guyan